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May 31, 2022

BY REGULAR MAIL AND E-MAIL

Daniel Braun, Esq.

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

100 Church Street

New York, NY 10007

Re: Ryan Minett v. City of New York, et al. – 21-cv-08161 (CM)(GWG)

Counsel:

I write to inform you that Plaintiff Ryan Minett hereby accepts Defendants' Rule 68 Offer of Judgment dated May 17, 2022, a copy of which is attached.

I will contact you separately regarding the outstanding claims for attorney's fees of and costs to see if we can reach a stipulation that would avoid the need for a formal application to the Court.

Thank you for your consideration in this matter.

Yours,

Gideon Orion Oliver

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
RYAN MINETT,

Plaintiff,

-against-

**RULE 68
OFFER OF JUDGMENT**

THE CITY OF NEW YORK; NEW YORK CITY
MAYOR BILL DE BLASIO, NEW YORK POLICE
DEPARTMENT ("NYPD") COMMISSIONER DERMOT
SHEA; NYPD DEPUTY COMMISSIONER FOR LEGAL
MATTERS ERNEST F. HART; NYPD DEPUTY
INSPECTOR ROBERT O'HARE; NYPD OFFICER
CHRISTOPHER EMMART, SHIELD #13299; JOHN
DOE NYPD SERGEANT NO. 1; JOHN AND/OR JANE
DOE NYPD MEMBERS 2-6; and JOHN DOE 7 NYPD
LEGAL BUREAU SUPERVISOR,

21-cv-08161

Defendants.
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants, and any defendant who is currently or subsequently named and hereafter represented by the Office of the Corporation Counsel in this action, hereby offer to allow plaintiff Ryan Minett to take a judgment against the City of New York in this action for the total sum of Seven Thousand Five Hundred and One (\$7,501.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted by written notice within 14 days after being served.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Ryan Minett agrees that payment of Seven Thousand Five Hundred and One (\$7,501.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Ryan Minett is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff Ryan Minett agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42

U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Ryan Minett further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
May 17, 2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
*Attorney for Defendants City, De Blasio, Shea,
Hart, O'Hare, and Emmart*
100 Church Street, Room 3-149
New York, New York 10007
(212) 356-2659

By



Daniel Braun
Assistant Corporation Counsel

To: VIA MAIL
Gideon O. Oliver, Esq.
Gideon Orion Oliver
277 Broadway, Suite 1501
New York, NY 10007

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RYAN MINETT,

Plaintiff,

-v-

THE CITY OF NEW YORK, et al.,

Defendants.

**DECLARATION OF SERVICE
OF ACCEPTANCE OF RULE 68
OFFER OF JUDGMENT**

21-CV-08161 (CM)(GWG)

GIDEON ORION OLIVER hereby declares under penalties of perjury:

I am over 18 years of age and not a party to this action.

On May 31, 2022, I served upon the Defendants the attached May 31, 2022 letter accepting Defendants' Rule 68 Offer of Judgment dated May 17, 2022 by (1) depositing a true and correct copy of the same properly enclosed in a post-paid wrapper in the official depository maintained and exclusively controlled by the United States directed to Daniel Braun, Esq., Assistant Corporation Counsel, New York City Law Department, 100 Church Street, New York, New York, 10007; and (2) e-mailing the same to opposing counsel Daniel Braun, Esq.

Dated: Brooklyn, New York
May 31, 2022


